



**FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10**  
**EV971833165 US**

Express Mail Label Number

**April 19, 2007**

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF RICHARD

Art Unit: 1615

Examiner: D. Yebassa

APPLICATION NO: 10/667,214

FILED: September 19, 2003

FOR: METHOD AND KIT FOR MITIGATING CRADLE CAP

**MS: Amendment**

Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

RESPONSE

Sir/Madame:

The claims pending in the subject application are 1-16. In response to the Office Action dated October 19, 2007, the following remarks are presented for consideration of the claims of the present application. A Request for a three month extension of time is submitted herewith.

**35 U.S.C. §103 REJECTION OF CLAIMS 1-2, 5-10 AND 13-16**

Claims 1-2, 5-10 and 13-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,043,202 issued to Eriksen et al. ("Eriksen") in view of U.S. Patent No. 4,478,853 issued to Chaussee et al. ("Chaussee") (Office Action, page 2).

As admitted by the Examiner, Eriksen does not teach the step of applying a moisturizer to the scalp after cleansing the scalp by using a shampoo. Furthermore, the Examiner acknowledges that Eriksen fails to disclose the viscosity of the moisturizer of the Applicants' claims. Chaussee teaches skin conditioning compositions for providing enhanced conditioning and protection against dryness. The skin conditioning compositions in Chaussee comprise of a hydroalcoholic gel, a silicone oil, a neutralized gelling agent, and a base comprising a panthenol moisturizer, and emollient comprising a polyhydric alcohol humectant (Chaussee, Claim 1). As a result, the Examiner claims that Chaussee provides the motivation to combine the skin